

## SECOND DIVISION

[ A.M. No. P-04-1852, July 30, 2004 ]

**CORAZON IMPERIAL, COMPLAINANT, VS. JESUS B. BASILLA,  
SHERIFF IV, REGIONAL TRIAL COURT, OFFICE OF THE CLERK OF  
COURT, LEGASPI CITY, RESPONDENT.**

### RESOLUTION

**CALLEJO, SR., J.:**

The instant administrative complaint is one for dishonesty and misrepresentation and conduct unbecoming a court employee against Jesus B. Basilla, Sheriff IV, Regional Trial Court, Office of the Clerk of Court, Legaspi City, relative to Civil Case No. 9087<sup>[1]</sup> for foreclosure of real estate mortgage, payment of interest and damages.

In her sworn complaint<sup>[2]</sup> dated September 2, 2003, Corazon Imperial averred that she was the plaintiff in the aforesaid case and that the trial court rendered judgment in her favor on November 23, 1995.<sup>[3]</sup> On December 20, 2002, the respondent sheriff called her and directed her to come to his house at the Our Lady's Village, Legaspi City, to receive the amount of ₱178,000 representing the trial court's monetary award in her favor, and ₱20,000 as attorney's fees. She went there as requested and met Sheriff Geminiano Aringo, Jr. The respondent told her that he would pay the obligation on behalf of his brother-in-law, Atty. Romulo Ricafort, the lawyer of the defendant Pia Miranda Vda. De Mercado. The respondent then tendered the amount of ₱50,000, and asked the complainant to sign an acknowledgment receipt<sup>[4]</sup> indicating that she received the total amount of ₱178,000. The complainant alleged that she was obligated to sign the receipt, as the respondent promised that he would pay the balance on January 2003. However, the respondent only paid an additional amount of ₱15,000, and, thereafter, failed and refused to pay the balance of ₱133,000. Thus, she was constrained to ask the court for assistance, and the presiding judge issued an alias writ of execution in her favor.

According to the complainant, the respondent's actuations, in connivance with those of Atty. Ricafort, delayed the satisfaction of the writ of execution issued in her favor. She then prayed that the respondent sheriff be dismissed from the service.

The respondent denied the material allegations of the complaint. He averred that his only participation with respect to the writ of execution issued by the court in Civil Case No. 9087 was to help out his brother-in-law, Atty. Romulo Ricafort, to settle the obligation with the complainant. He further explained that there was already a previous arrangement between the complainant and Atty. Ricafort when the latter called on him to help satisfy the obligation. The respondent narrated that when the complainant came to him twice to ask for money, in October and November 2002, he told the complainant to come back in December as he still did not have any money to give her. As promised, he gave the complainant ₱50,000 on December